

conferees on any provisions of the bill that are within its jurisdiction. I ask for your commitment to support any request for conferees by the Committee on H.R. 5011 or similar legislation.

I request that you include this letter and your response in the Congressional Record during your consideration of the legislation on the House floor. Thank you for your consideration of these matters.

With best wishes.

Sincerely,

DUNCAN HUNTER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, October 4, 2004.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Rayburn House Office Building, Washington,  
DC.

DEAR CHAIRMAN HUNTER: Thank you for your recent letter regarding your committee's jurisdictional interest in H.R. 5011, the Military Personnel Financial Services Protection Act. I appreciate all of your efforts to expedite consideration of this important legislation.

I acknowledge your committee's jurisdictional interest in section 11 of this bill as ordered reported by the Committee on Financial Services and appreciate your cooperation in allowing speedy consideration of the legislation. I agree that your decision to forego further action on the bill will not prejudice the Committee on Armed Services with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of your letter and this response in Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

MICHAEL G. OXLEY,  
Chairman.

I urge all of my colleagues in the full House to support this bipartisan effort and vote "yes" on H.R. 5011.

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of this bill, H.R. 5011, the Military Personnel Financial Services Protection Act. Every American—especially every American who suits up to protect our Nation—should rest assured that their family's future is provided for if the unthinkable happens. I support Representative BURNS's bill because basic life insurance should not be a worry on our fighting force's shoulders, it should be a trusted guarantee. It is utterly unconscionable for insurance agents to be peddling policies to our troops that provide poor coverage and charge exorbitant fees, such as these contractual plans. I recently returned from a trip to Iraq and I am pleased to know that the young soldiers I met will soon be protected from fraudulent or misleading sales practices with the passage of this bill.

Mr. BAKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 5011, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. BAKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONFIRMING AUTHORITY OF SECRETARY OF AGRICULTURE AND COMMODITY CREDIT CORPORATION TO ENTER INTO MEMORANDUMS OF UNDERSTANDING REGARDING COLLECTION OF APPROVED COMMODITY ASSESSMENTS FROM PROCEEDS OF MARKETING ASSISTANCE LOANS

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4620) to confirm the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans, as amended.

The Clerk read as follows:

H.R. 4620

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONFIRMATION OF AUTHORITY OF SECRETARY OF AGRICULTURE TO COLLECT STATE COMMODITY ASSESSMENTS.

(a) COLLECTION FROM MARKETING ASSISTANCE LOANS.—The Secretary of Agriculture may collect commodity assessments from the proceeds of a marketing assistance loan for a producer if the assessment is required to be paid by the producer or the first purchaser of a commodity pursuant to a State law or pursuant to an authority administered by the Secretary. This collection authority does not extend to a State tax or other revenue collection activity by a State.

(b) COLLECTION PURSUANT TO AGREEMENT.—The collection of an assessment under subsection (a) shall be made as specified in an agreement between the Secretary of Agriculture and the State requesting the collection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Washington (Mr. NETHERCUTT) for sponsoring H.R. 4620 and bringing this bill to the committee's attention. I also appreciate his extensive efforts in working to resolve this problem for producers in Washington State as well as producers nationwide.

For years, the U.S. Department of Agriculture has collected State commodity checkoff assessments from marketing loans to fund research and

promotion. In recent years, however, when producers within a State have voted to increase assessments on themselves, USDA has found that it lacks the statutory authority to recognize modified memorandums of understanding with the State.

As amended in the Committee on Agriculture, H.R. 4620 provides USDA the authority to collect these assessments and allows USDA to recognize modified agreements with the States.

Again, I appreciate the work of the gentleman from Washington on this issue, and I urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4620.

H.R. 4620 was introduced by our colleague, the gentleman from Washington State (Mr. NETHERCUTT). I have been contacted by the Texas Wheat Growers, the National Association of Wheat Growers, the Wheat Export Trade Education Committee and the USA Rice Federation in support of addressing an issue that has arisen in regard to the collection of assessments for State commodity research and education programs when the commodity in question goes under loan with the USDA.

I want to thank the gentleman from Washington and the Washington Wheat Growers for bringing this situation to our attention before it impacted more States or more commodities. I am pleased to have worked with the chairman, the gentleman from Virginia (Mr. GOODLATTE), to report out a bill that the Committee on Agriculture fine-tuned in conjunction with USDA and the wheat industry.

As a wheat farmer, I know the benefit our State wheat and other commodity promotion groups do on our behalf with checkoff funds, and I support this continued effort; and therefore, I am pleased to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAYES. Mr. Speaker, I yield myself such time as I may require to conclude by thanking my colleague, the gentleman from Texas (Mr. STENHOLM) for his assistance today.

Mr. HASTINGS of Washington. Mr. Speaker, I support this legislation to clarify the authority of state commissions to collect commodity assessments on the proceeds of marketing assistance loans.

Agriculture is the prime driver of the economy in my Central Washington congressional district. Many growers in my district make use of marketing loans that allow them to use their crop as collateral.

Many growers also participate in check-off programs for collecting an assessment on a certain crop. These assessments are normally collected at the first point of sale. The USDA and the Commodity Credit Corporation have supported state commissions in the collection of grower-funded commodity assessments when, because of low commodity prices, the commodity is forfeited to the government. The

state assessments have been collected under a Memorandum of Understanding between the USDA and state commodity commissions.

Recently, wheat growers in Washington and California voted to increase their support of commodity activities through an assessment increase. USDA has claimed that it lacks the statutory authority to honor a Memorandum of Understanding if the assessment rate is changed. This decision has the potential to cause serious impact to state commissions and disadvantage to growers that depend on their work. The use of funds is very important during times of low prices and oversupply, when the need for expanding markets increases.

This legislation introduced by my friend and colleague from Washington, Mr. NETHERCUTT and myself will authorize the USDA to continue to collect state commodity assessments in the event of forfeiture of a commodity to the federal government.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and pass the bill, H.R. 4620, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HAYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4620.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### PROVIDING FOR NATIONAL PLAN FOR CONTROL AND MANAGEMENT OF SUDDEN OAK DEATH

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4569) to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*, and for other purposes.

The Clerk read as follows:

H.R. 4569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NATIONAL PLAN FOR CONTROL AND MANAGEMENT OF SUDDEN OAK DEATH.

(a) DEVELOPMENT OF NATIONAL PLAN.—Subject to the availability of appropriated funds

for this purpose, the Secretary of Agriculture, acting through the Animal Plant and Health Inspection Service, shall develop a national plan for the control and management of Sudden Oak Death, a forest disease caused by the fungus-like pathogen *Phytophthora ramorum*.

(b) PLAN ELEMENTS.—In developing the plan, the Secretary shall specifically address the following:

(1) Information derived by the Department of Agriculture from ongoing efforts to identify hosts of *Phytophthora ramorum* and survey the extent to which Sudden Oak Death exists in the United States.

(2) Past and current efforts to understand the risk posed by *Phytophthora ramorum* and the results of control and management efforts regarding Sudden Oak Death, including efforts related to research, control, quarantine, and hazardous fuel reduction.

(3) Such future efforts as the Secretary considers necessary to control and manage Sudden Oak Death, including cost estimates for the implementation of such efforts.

(c) CONSULTATION.—The Secretary shall develop the plan in consultation with other Federal agencies that have appropriate expertise regarding the control and management of Sudden Oak Death.

(d) IMPLEMENTATION OF PLAN.—The Secretary shall complete the plan and commence implementation as soon as practicable after the date on which funds are first appropriated pursuant to the authorization of appropriations in subsection (e) to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentleman from Iowa (Mr. BOSWELL) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I yield myself such time as I may consume.

Since Sudden Oak Death syndrome was first detected in California in 1995, the disease has killed tens of thousands of oaks and tanoaks in 12 coastal California counties and affected shrubs and trees in small areas of Curry County, Oregon, and King County, Washington. In addition, isolated cases of the European mating type of SOD have been found in Washington, Oregon, and British Columbia.

Sixty plant species are known to be hosts or associated hosts of the pathogen responsible. There are no chemical treatments currently available to eliminate the disease in nursery stock.

□ 1730

Following confirmation of a discovery of the SOD pathogen in March at Monrovia Nurseries in Los Angeles County, California, USDA's APHIS plant protection and quarantine staff have been working with other Federal and State authorities to address the situation. APHIS mobilized its rapid response teams, and the California Department of Food and Agriculture placed hold orders on all shipments of host plant materials from confirmed positive facilities. Likewise, the Forest Service is coordinating with APHIS,

spending \$1.3 million this fiscal year to monitor areas near confirmed infestations to see if the pathogen is spreading from nurseries to forests.

Despite the efforts of USDA and State agriculture departments, by the end of April, positive cases had been confirmed in nurseries from at least 10 States. As of September 29, 2004, the total number of confirmed positive locales from the trace forward, national and other survey finds was 160 in 21 States, including Alabama, three; Arkansas, one; Arizona, one; California, 53; Colorado, one; Florida, six; Georgia, 18; Louisiana, five; Maryland, two; North Carolina, nine; and so on.

I am concerned about the potentially devastating impact of SOD on eastern hardwood forests and support all efforts at improving planning and coordination of our control and management programs. The legislation introduced by the gentleman from Georgia (Mr. BURNS) and 19 other Members is an attempt to refocus efforts at controlling and managing outbreaks of SOD. In particular, the bill authorizes appropriations for development of a national strategy for sudden oak death syndrome.

I would urge all Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BOSWELL. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4569, a bill to provide for the development of a national plan for control of sudden oak death, a disease that has threatened oak stands in California but is now potentially a threat to trees in other parts of the country. While we work to contain this disease, it is important that the necessary commerce in oak nursery stock be permitted to continue within reasonable bounds. This bill should help advance both of these important goals.

Our success in this matter is important to all Americans. Whether you are in the forest land business or just enjoy the shade of a majestic oak gracing your lawn, we all have an interest in this important issue. I want to commend my colleagues from Georgia (Mr. BURNS) and (Mr. SCOTT) in particular, for their work in bringing this legislation before us today. I encourage all Members to vote for the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYES. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BURNS) who has been very active in this matter from the beginning.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the chairman and the ranking member of the Committee on Agriculture for moving this rapidly through the committee and to the floor of the House.